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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT

PAPER NUMBER

2653

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,574

Applicant(s)

SAKO ET AL.

Examiner

Aristotelis M Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-15, 17-28, 32-50, 54-62, 66-75 and 79-86 is/are rejected.
- 7) ☒ Claim(s) 5-7, 16, 29-31, 51-53, 63-65, 76-78 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Applicants' response of 12/7/04 has been considered with the following results.

Applicants have canceled claims 87-124, hence only the claims of previously identified Group I remain, and hence only these claims are acted on.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claims 1-86 are objected to because of the following informalities:

Support for the phrases "first area", "second area" and the "third area" as they are recited in the claims fail to find clear support in the remainder of the specification as required by 37 CFR 1.75 (d) (1). Appropriate correction is required.

Furthermore, claim 1 recites "recording and/or reproducing method", however, there is only a reproducing of address information in claim 1, and hence the claim fails to provide for any recording. This then is further compounded when claims 2, 3 require recording steps. Hence the claims do not clearly define recording and reproducing as required in claim 1, they are interpreted to be limited to a recording OR reproducing method.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first, second and third areas" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a

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drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The examiner has interpreted the above areas as indicated below in the action/rejection thereto.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

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examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1,2,3, 47-49 are rejected under 35 U.S.C. 103(a) as being obvious over Kumagai et al further considered with JP 63-293762.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2). The following analysis is made:

Claim 1

Kumagai et al

A recording and/or reproducing
method for a record medium,
comprising the steps of:

see abstract, title and col. 7 lines 37-53

reading address information from a record medium,

the record medium having at least a first area
and a second area,

see col 3 lines 60-65, wherein the

data being recordable to the first area,

examiner interprets the program area as the

the second area being

claimed first area, and either the pma, or lead-in
area as the second area

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followed by the first area,
the address information
representing the position of the second area;

detecting an error corresponding to error detection code see col. 5 lines 57-60
encoded for the address information that has been read from
the record medium; and

when the result of the detecting step represents that an see secondary reference
error has been detected in the address information that has
been read from the record medium, notifying at least one user
that an error has been detected.

Although the Kumagai et al system stops writing upon appropriate detection of error as recited,
there is no clear depiction of notifying a user of detecting such.

The secondary reference, JP 63193762 teaches in this environment the ability of displaying the
number of defects, hence the ability of notifying a user of errors is considered to be an obvious
modification predicated on the ability/desirability of providing a user with information indicative of errors.

With respect to claim 2, see the above disclosure of Kumagai et al at col. 7, lines 40-50 which the
examiner interprets as meeting the reciting ability of prohibiting data from being recorded.

With respect to claim 3, this is considered inherently present in the system of Kumagai et al, that
is when no error is detected the system performs the writing operations.

Claims 47-49 are the apparatus equivalents of the above method claims. The apparatus as
claimed is inherently present, else the system above would not be able to perform the above recited and
analyzed method.

3. Claims 4 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as
applied to claims 1 and 47 above, and further in view of Sasaki et al.

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Although the above references detail the prohibition/stop recording upon defect/error detection, there is no clear depiction of any reproducing operation as a result of such a condition.

Sasaki et al teaches in this environment, the ability of not using the defective sector.

It would have been obvious to modify the base system as relied upon with respect to claim 1 above and modify it with the above teaching from Sasaki et al, motivation is to cease the operation both recording and reproducing from defective sectors when such a condition is detected.

Claim 50 is interpreted as apparatus limitations equivalent of claim 4. Use of the term "portion" is interpreted as "means" in keeping with present USPTO practice (terminology) especially in view of 35 USC 112 last paragraph. This is met when the system is operational.

4. Claims 8, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Official notice.

The ability of displaying an "alarm message", i.e., abort, do not use, failed, error – warning, etc. is considered to be well known in the communication arts (displays) when an error occurs.

It would have been obvious to modify the base system of the references relied upon with respect to claims 1 and 47 and modify such with such an alarm message, i. e., rather than listing of the defective sectors, displaying an alarm message is considered an obvious variant thereof.

Claim 54 is interpreted as the apparatus equivalent of claim 8 and is met since the examiner also considers well known (Official notice) the existence of a display (such as found in present day mobile phones). One would require a display to display the alarm message.

5. Claims 9 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Fukuda.

The use of "alarm sounds" for their inherent ability of notification is known as taught by the Fukuda reference.

It would have been obvious to modify the base system as relied upon above with respect to claims 1 and 47 and modify such with the ability of providing an alarm sound, motivation is to provide for acoustical indication to a user of a failure/error state. Some people respond better to sound than written words.

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Claims 55 is interpreted to define apparatus(see the above discussion with respect to the term "portion" as stated in paragraph 3) and is met/present when the above system operates.

6. Claims 10 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Takamine et al.

The ability of calculating predicated upon address information is interpreted by the calculation disclosed in the Takamine et al reference – see col. 25 lines 63 to col. 26 line 14.

It would have been obvious to modify the base system as relied upon with respect to claims 1 and 47 above and further modify such with the above calculation capability taught by Takamine et al, motivation is to provide for alternative known error calculation capabilities and hence increase the compatibility of the primary system to other known and used disc formats.

Claim 56 is interpreted to define an apparatus, (see the above discussion with respect to the term "portion" as stated in paragraph 3 above), and exists when the above system is operational.

7. Claims 11-12, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 10 and 47 above, and further in view of the well known ATIP data format taught by Su et al.

The examiner interprets the limitations of claims 11-13 to define the well known and used ATIP data format which includes the start ability (claim 11) , minutes seconds and frames (claim 12), as further disclosed by SU et al.

It would have been obvious to modify the base system as relied upon with respect to claim 1 and include the additional start time, and format of atip, especially since the base reference relies upon atip format as well.

Claims 57 & 58 are interpreted to define an apparatus, there is no apparatus/element positively recited, merely a desired result, which the examiner concludes, exists when the above system is operational.

8. Claims 13 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 12 and 58 above, and further in view of Ogawa et al.

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With respect to claims 13 and 59, the ability to identify a manufacturer of the disc as being part of the atip information is further discussed by Ogawa et al.

It would have been obvious to modify the base system as relied upon with respect to their respective base claim and also include the disc manufacturing information and hence permit the overall system greater flexibility by being able to decode such encoded disc formatted by Ogawa et al system.

Claim 59 is interpreted to define an apparatus, although there is no apparatus/element positively recited, merely a desired result, which the examiner concludes, exists when the above system is operational.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 14,15, 60,61 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumagai et al

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim 14 requires no notification, and hence as analyzed above with respect to claim 1, lacks such a required limitation. The remaining steps are met by the above reference to Kumagai et al, see the above analysis with respect to the reading step, and the detecting step. The stop writing is discussed at col. 7 lines 37-53.

With respect to claim 15, the examiner interprets the above system so as to provide for the recording of information when no error state is detected, i.e., inherently present.

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Claim 60 is the apparatus equivalent of method claim 14, and is met by the above system else the method as recited would not manifest itself, i.e., there is appropriate hardware (means) for reading, error checking and controlling. The examiner interprets the phrase "error checking portion" and "controlling portion" as --- error checking means --- and --- controlling means --- so as to conform to present USPTO practice in complying with 35 USC 112 (last paragraph writing claims in means plus function language).

Claim 61 is the apparatus equivalent to method claim 15 and although attempts to define apparatus merely recites a desired result and hence is met when the above system operates.

10. Claims 17 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 14 above, and further in view of Sasaki et al.

Although the above reference details the prohibition/stop recording upon defect/error detection, there is no clear depiction of any reproducing operation as a result of such a condition.

Sasaki et al teaches in this environment, the ability of not using the defective sector.

It would have been obvious to modify the base system as relied upon with respect to claim 14 (72) above and modify it with the above teaching from Sasaki et al, motivation is to cease the operation both recording and reproducing from defective sectors when such a condition is detected.

Claim 62 is interpreted as the apparatus equivalent of claim 17 and is met when the above system operates.

11. Claims 18 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 14 above, and further in view of JP 63-293762.

The secondary reference, JP 63193762 teaches in this environment the ability of displaying the number of defects; hence the ability of notifying a user of errors is considered to be an obvious modification predicated on the ability/desirability of providing a user with information indicative of errors.

Claim 66 is interpreted as the apparatus equivalent of claim 18 and is met when the above system operates further in view of well know displays in this environment (i.e., displays now commonly available on mobile phones) as well as displaying of an alarm message, such as "abort", "warning", "danger", etc.

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12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 18 above, and further in view of Official notice.

The ability of displaying an "alarm message", i.e., abort, do not use, failed, error, warning, etc. is considered to be well known in the communication arts (displays) when an error occurs.

It would have been obvious to modify the base system of the references relied upon with respect to claim 18 and modify such with such an alarm message, i. e., rather than listing of the defective sectors, displaying an alarm message is considered an obvious variant thereof.

13. Claims 20 and 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 18 above, and further in view of Fukuda.

The use of "alarm sounds" for their inherent ability of notification is known as taught by the Fukuda reference.

It would have been obvious to modify the base system as relied upon above with respect to claim 18 and modify such with the ability of providing an alarm sound; motivation is to provide for acoustical indication to a user of a failure/error state. Some people respond better to sound than written words.

Claim 67 is interpreted as the apparatus equivalent of claim 20 and is met when the above system is operations.

14. Claims 21 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 14 above, and further in view of Takamine et al.

The ability of calculating predicated upon address information is interpreted by the calculation disclosed in the Takamine et al reference – see col. 25 lines 63 to col. 26 line 14.

It would have been obvious to modify the base system as relied upon with respect to claim 14 above and further modify such with the above calculation capability taught by Takamine et al, motivation is to provide for alternative known error calculation capabilities and hence increase the compatibility of the primary system to other known and used disc formats.

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Claim 68 is the apparatus equivalent to claim 21 and is met when the above system is operational.

15. Claims 22,23, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 21 above, and further in view of Su et al.

The examiner interprets the limitations of claims 22-23 to define the well known and used ATIP data format which includes the start ability (claim 22), minutes seconds and frames (claim 23), as further disclosed by SU et al.

It would have been obvious to modify the base system as relied upon with respect to claim 21 and include the additional start time, and format of atip, especially since the base reference relies upon atip FORMAT as well.

Claims 69 and 70 are interpreted as the apparatus equivalents of method claims 22 and 23 and are met when the above system is operational.

16. Claims 24 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 23 above, and further in view of Ogawa et al.

With respect to claim 24, the ability to identify a manufacturer of the disc as being part of the atip information is further discussed by Ogawa et al.

It would have been obvious to modify the base system as relied upon with respect to the respective base claim and also include the disc manufacturing information and hence permit the overall system greater flexibility by being able to decode such encoded disc formatted by Ogawa et al system.

Claim 71 is interpreted as the apparatus equivalent of claim 24 and such a functional result is present/met when the above system operates.

17. Claims 25, 26 27,72,73 and 74 are rejected under 35 U.S.C. 103(a) as being obvious over Kumagai et al further considered JP 63-293762.

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The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

The references are relied upon for the reason(s) state above in paragraph 1 with respect to claims 1,2,and 3.

Claim 25 is a substantial duplicate of claim 1. It includes reference to a third area. As interpreted by the examiner, this third area is the lead out area recited in the base reference to Kumagai et al.

Dependent claims 26 and 27 are duplicate of the limitations of claims 2 and 3 and the above position taken with respect to these claims is repeated against these claims as well.

Claim 72 is the apparatus equivalent of method claim 25, and is met by the above system else the method as recited would not manifest itself, i.e., there is appropriate hardware (means) for reading, error checking and controlling. The examiner interprets the phrase "error checking portion" and "controlling portion" as --- error checking means ---- and --- controlling means --- so as to conform to present USPTO practice in complying with 35 USC 112 (last paragraph writing claims in means plus function language).

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Claim 73 is the apparatus equivalent to method claim 26 and as such is met when the above system operates.

Claim 74 is the apparatus equivalent to method claim 27 and as such is met when the above system operates.

18. Claims 28 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 25 and 72 above, and further in view of Sasaki et al.

Although the above references detail the prohibition/stop recording upon defect/error detection, there is no clear depiction of any reproducing operation as a result of such a condition.

Sasaki et al teaches in this environment, the ability of not using the defective sector.

It would have been obvious to modify the base system as relied upon with respect to claims 25 and 72 above and modify it with the above teaching from Sasaki et al, motivation is to cease the operation both recording and reproducing from defective sectors when such a condition is detected.

Claim 75 is interpreted as the apparatus equivalent of claims 28 and 30, and are present/ met when the above system operates.

19. Claims 32 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 25 above, and further in view of Official notice.

The ability of displaying an "alarm message", i.e., abort, do not use, failed, error – warning, etc. is considered to be well known in the communication arts (displays) when an error occurs.

It would have been obvious to modify the base system of the references relied upon with respect to claim 25 and modify such with such an alarm message, i. e., rather than listing of the defective sectors, displaying an alarm message is considered an obvious variant thereof.

Claim 79 is interpreted as the apparatus equivalent of claim 32 and as such is present/met when the above system operates.

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20. Claims 33 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 25 above, and further in view of Fukuda.

The use of "alarm sounds" for their inherent ability of notification is known as taught by the Fukuda reference.

It would have been obvious to modify the base system as relied upon above with respect to claim 25 and modify such with the ability of providing an alarm sound, motivation is to provide for acoustical indication to a user of a failure/error state. Some people respond better to sound than written words.

Claim 80 is interpreted as the apparatus equivalent of claim 33 and such a functional result is present/met when the above system operates.

21. Claims 34 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 25 above, and further in view of Takamine et al.

The ability of calculating predicated upon address information is interpreted by the calculation disclosed in the Takamine et al reference – see col. 25 lines 63 to col. 26 line 14.

It would have been obvious to modify the base system as relied upon with respect to claim 25 above and further modify such with the above calculation capability taught by Takamine et al, motivation is to provide for alternative known error calculation capabilities and hence increase the compatibility of the primary system to other known and used disc formats.

22. Claims 35,36, 82 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 34 above, and further in view of the well known ATIP data format taught by Su et al.

The examiner interprets the limitations of claims 35, 36 to define the well known and used ATIP data format which includes the start ability (claim 35), minutes seconds and frames (claim 36), as further disclosed by SU et al.

It would have been obvious to modify the base system as relied upon with respect to claim 34 and include the additional start time, and format of atip, especially since the base reference relies upon atip format as well.

Claims 82 and 83 are interpreted as the apparatus equivalent of claims 35 & 36 and such functional results are present/met when the above system operates

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23. Claims 37 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 36 above, and further in view of Ogawa et al.

With respect to claim 37 the ability to identify a manufacturer of the disc as being part of the atip information is further discussed by Ogawa et al.

It would have been obvious to modify the base system as relied upon with respect to claim 36 and also include the disc manufacturing information and hence permit the overall system greater flexibility by being able to decode such encoded disc formatted by Ogawa et al system.

Claim 84 is interpreted as the apparatus equivalent to claim 37 and is met when the above system is operational.

24. Claims 38,39,85 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 34 above, and further in view of the well known ATIP data format taught by Su et al.

The examiner interprets the limitations of claims 38, 39 to define the well known and used ATIP data format which includes the start ability (claim 38), minutes seconds and frames (claim 39), as further disclosed by SU et al. These claims refer to the representation of the start of the "third area", as opposed to the previously claimed limitations found in claims 35 and 36, i.e., representation of the start of the "second area". The same analysis applies, i.e., start of second or third areas, lead in, and lead out. Proper interpretation of these claims is complicated due to the inability of the examiner to associate the phrase "third area" to the remainder of the specification. The examiner interprets such as the lead out area.

It would have been obvious to modify the base system as relied upon with respect to claim 34 and include the additional start time, and format of atip, especially since the base reference relies upon atip format as well.

Claims 85 and 86 are interpreted as the apparatus equivalents to claims 38 and 39 and are met when the above system is operational.

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25. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 25 above, and further in view of Takamine et al.

The ability of calculating predicated upon address information is interpreted by the calculation disclosed in the Takamine et al reference – see col. 25 lines 63 to col. 26 line 14. This claim refers to the calculation of both the first and second address information, as opposed to the previous calculation of at least one of these address information. The ability of calculating either one, or both is considered merely a logical extension, i.e., calculation of additional information (an additional address) is a duplication of calculating of a single information (first address).

It would have been obvious to modify the base system as relied upon with respect to claim 25 above and further modify such with the above calculation capability taught by Takamine et al, motivation is to provide for alternative known error calculation capabilities and hence increase the compatibility of the primary system to other known and used disc formats.

26. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 40 above, and further in view of the well known ATIP data format taught by Su et al.

The examiner interprets the limitations of claims 41,42 to define the well known and used ATIP data format which includes the start ability (claim 41), minutes seconds and frames (claim 42), as further disclosed by SU et al.

It would have been obvious to modify the base system as relied upon with respect to claim 40 and include the additional start time, and format of atip, especially since the base reference relies upon atip format as well.

27. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 42 above, and further in view of Ogawa et al.

With respect to claim 43, the ability to identify a manufacturer of the disc as being part of the atip information is further discussed by Ogawa et al.

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It would have been obvious to modify the base system as relied upon with respect to claim 42 and also include the disc manufacturing information and hence permit the overall system greater flexibility by being able to decode such encoded disc formatted by Ogawa et al system.

28. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 42 above, and further in view of the well known ATIP data format taught by Su et al.

The examiner interprets the limitations of claims 44,45 to define the well known and used ATIP data format which includes the start ability (claim 44), minutes seconds and frames (claim 45), as further disclosed by SU et al. These claims refer to the representation of the start of the "third area", as opposed to the previously claimed limitations found in claims 35 and 36, i.e., representation of the start of the "second area". The same analysis applies, i.e., start of second or third areas, lead in, and lead out. Proper interpretation of these claims is complicated due to the inability of the examiner to associate the phrase "third area" to the remainder of the specification. The examiner interprets such as the lead out area.

It would have been obvious to modify the base system as relied upon with respect to claim 42 and include the additional start time, and format of atip, especially since the base reference relies upon atip format as well.

29. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 45 above, and further in view of Ogawa et al.

With respect to claim 46, the ability to identify a manufacturer of the disc as being part of the atip information is further discussed by Ogawa et al.

It would have been obvious to modify the base system as relied upon with respect to claim 45 and also include the disc manufacturing information and hence permit the overall system greater flexibility by being able to decode such encoded disc formatted by Ogawa et al system.

30. Claims 1-3,47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Ando et al or Takamine et al and further in view of JP 62-293762.

The following analysis is made:

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Claim 47

Ando et al

Takamine et al

A recording and/or reproducing
apparatus for a record medium,
comprising:

abstract/title

abstract/title

a head for reading or reproducing
data to/from a record medium,
the record medium having at least

fig. 1, col 7 lines 31-34

fig. 1, element 7

see col. 8, lines 52-54

a first area and a second area,
data being recordable to the first area,
the second area being followed by the
first area;

present, data area

present data area

ecc block

address area

an error checking portion
for detecting an error
corresponding to error detection code
encoded for address information that
has been read from the record medium
by said head,
the address information representing
the position of the second area; and

see col. 19 line 65 to
col. 20 line 45.

see col. 25 line 63-
to col. 26 line 51

a controlling portion for notifying a user that an error
has been detected, when the result of error detection of said
error checking portion represents that the error has been
detected in the address information that has been read from
the record medium.

see secondary reference

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As analyzed above, either of the primary references disclose an optical system wherein error checking is performed and when such occurs writing to/reading from is interrupted. There is no clear depiction of any notification to a user.

JP 62-293762 teaches in this environment, the ability of having a display for notifying a user of defective sectors.

It would have been obvious to modify the base system of either Ando et al / Takamine et al with the additional display teaching from the Jp document, motivation is to provide a user with visual notification of such condition(s). Visual indications being a desired user friendly capability in electronic equipment.

With respect to claim 48, the examiner interprets the recording prohibition to be inherently present as noted above in the descriptive portions with respect to the error checking portion, and the limitation of claim 49 is present, i.e., operation is permitted when no error is detected.

Method claims 1-3 are met when the above system operates.

31. Claims 50 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 47 and 1 above, and further in view of Sasaki et al.

With respect to the inability/prohibit data reproduction if an error exists, Sasaki et al discloses such an ability – see col. 11 lines 50-59 for instance.

It would have been obvious to modify the base system as relied upon with respect to claims 47 and 1 and further modify them with the above teaching from Sasaki et al, motivation is to inhibit all functionality from defective areas.

Claim 4 is the method equivalent and is met when the modified systems above operate.

32. Claims 54 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 47 and 1 above, and further in view of Official notice.

The ability of displaying warning messages (text) in response to defective conditions is considered well known in this environment – i.e., “error”, “abort”, “warning” etc. and Official notice is taken thereof.

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It would have been obvious to modify the base systems as stated above with respect to claims 47 and 1 and further modify them so as to display a written alarm message to a user. For those individuals who respond to text messages as opposed to other ways of communicating defects.

33. Claims 55 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 47 and 1 above, and further in view of Fukuda.

The use of "alarm sounds" for their inherent ability of notification is known as taught by the Fukuda reference.

It would have been obvious to modify the base system as relied upon above with respect to claims 1 and 47 and modify such with the ability of providing an alarm sound, motivation is to provide for acoustical indication to a user of a failure/error state. Some people respond better to sound than written words.

Method claim 9 is met when the above combined systems operate.

34. Claims 56 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 47 and 1 above, and further in view of Takamine et al.

The ability of calculating predicated upon address information is interpreted by the calculation disclosed in the Takamine et al reference – see col. 25 lines 63 to col. 26 line 14.

It would have been obvious to modify the base system as relied upon with respect to claims 1 and 47 above and further modify such with the above calculation capability taught by Takamine et al, motivation is to provide for alternative known error calculation capabilities and hence increase the compatibility of the primary system to other known and used disc formats.

Method limitations of claim 10 are met when the above combined systems operate.

35. Claims 57,58, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 56 and 10 above, and further in view of Su et al.

The examiner interprets the limitations of claims 11-12 to define the well known and used ATIP data format which includes the start ability (claim 11) , minutes seconds and frames (claim 12), as further disclosed by Su et al.

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It would have been obvious to modify the base system as relied upon with respect to claims 56 and 10 and include the additional start time, and format of atip, especially since the base reference relies upon atip format as well.

The method limitations of claims 11 and 12 are met when the above combined systems operate.

36. Claims 59 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 58 and 12 above, and further in view of Ogawa et al.

With respect to claims 13 and 59, the ability to identify a manufacturer of the disc as being part of the atip information is further discussed by Ogawa et al.

It would have been obvious to modify the base system as relied upon with respect to their respective base claim and also include the disc manufacturing information and hence permit the overall system greater flexibility by being able to decode such encoded disc formatted by Ogawa et al system.

37. Claims 60,61 and 14,15 are rejected under 35 U.S.C. 102 (e) as being anticipated by either Ando et al or Takamine et al.

The following analysis is made:

Claim 60:	Takamine et al	Ando et al
A recording and/or reproducing apparatus for a record medium, comprising:	abstract/title	abstract/title
a head for one of reading and reproducing data respectively to and from record medium,	fig. 1, col 7 lines 31-34	fig. 1, element 7 see col. 8,lines 52-54
the record medium having at least first area and second area, data being recordable to the first area, the second area being followed by the first area;	present, data area address area	present data area ecc area
an error checking portion for detecting an error corresponding to an error detection code encoded	see col. 25 line 63 to col. 26 line 51.	see col. 19 line 65 to col. 20 line 45

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for address information that has been read from
the record medium by said head,
the address information representing the position
of the second area; and

a controlling portion for prohibiting data	inherently present	inherently present
from being recorded to the first area of the		controller 22
record medium, when the result of error detection		
of said error checking portion represents that the		
error has been detected in the address		
information that has been read from the record medium.		

In the above analysis, see the described operation of the error rate measurement unit in Takamine et al and the operation of the controller 22 in Ando et al. Since the system permits the prohibition of the writing in Takamine et al there inherently must be a controlling portion.

Claim 61 and 15 are drawn to limitations that are inherently present in either of the above systems, i.e., when no error exist(s) the system performs the recording capability.

38. Claims 62 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 60 and 14 above, and further in view of Sasaki et al.

Although the above references detail the prohibition/stop recording upon defect/error detection, there is no clear depiction of any reproducing operation as a result of such a condition.

Sasaki et al teaches in this environment, the ability of not using the defective sector (see col 1 lines 50-59 for instance).

It would have been obvious to modify the base system as relied upon with respect to claims 60 and 14 above and modify it with the above teaching from Sasaki et al, motivation is to cease the operation both recording and reproducing from defective sectors when such a condition is detected.

39. Claims 66 and 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 60 and 14 above, and further in view of JP 63-293762.

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With respect to claim 18, the JP 63193762 reference, teaches in this environment the ability of displaying the number of defects; hence the ability of notifying a user of errors is considered to be an obvious modification predicated on the ability/desirability of providing a user with information indicative of errors. Claim 18 calls for the notification to be an alarm message.

Claim 66 is interpreted as the apparatus equivalent of claim 18 and is met when the above system operates further in view of well know displays in this environment (i.e., displays now commonly available on mobile phones) as well as displaying of an alarm message, such as "abort", "warning", "danger", etc. That is the displaying of an "alarm message" is also considered well known in this environment.

40. Claims 67 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 60 and 18 above, and further in view of Fukuda.

The use of "alarm sounds" for their inherent ability of notification is known as taught by the Fukuda reference.

It would have been obvious to modify the base system as relied upon above with respect to claims 60 & 18 and modify such with the ability of providing an alarm sound; motivation is to provide for acoustical indication to a user of a failure/error state. Some people respond better to sound than written words.

41. Claims 68 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 60 and 14 above, and further in view of Takamine et al.

The ability of calculating predicated upon address information is interpreted by the calculation disclosed in the Takamine et al reference – see col. 25 lines 63 to col. 26 line 14.

It would have been obvious to modify the base system as relied upon with respect to claims 60 and 18 above and further modify such with the above calculation capability taught by Takamine et al, motivation is to provide for alternative known error calculation capabilities and hence increase the compatibility of the primary system to other known and used disc formats.

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42. Claims 69,70,22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 60 and 21 above, and further in view of the well known ATIP data format taught by Su et al.

The examiner interprets the limitations of claims 69,70,22 and 23 to define the well known and used ATIP data format, which includes the start ability (claims 69,22) , minutes seconds and frames (claims 70 and 23 12), as further disclosed by SU et al.

It would have been obvious to modify the base system as relied upon with respect to claims 60 & 21 and include the additional start time, and format of atip, especially since the base reference relies upon atip format as well.

43. Claims 71 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 69 and 23 above, and further in view of Ogawa et al.

With respect to claims 71 and 24, the ability to identify a manufacturer of the disc as being part of the atip information is further discussed by Ogawa et al.

It would have been obvious to modify the base system as relied upon with respect to their respective base claim and also include the disc manufacturing information and hence permit the overall system greater flexibility by being able to decode such encoded disc formatted by Ogawa et al system.

44. Claims 72,73,74,25,26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Takamine et al or Ando et al, and further in view of JA 623-293762.

The following analysis is made;

Claim 72 parallels claim 47 while claim 25 parallels claim 1. That is the head, error checking portion and the controlling portion follows the language of claim 47. The difference is that claim 72 (and claim 25) and their respective dependent claims also recite a "third area". Again, although the examiner is having difficulty in mapping/finding support for such clearly in the figures and disclosure, the examiner interprets such "third area" as either the end of first address, or as the read out area in the above primary references respectively. The remainder of the analysis is as stated above in paragraph 30.

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Sasaki et al is relied upon for the reasons stated in paragraph 32.

Applicants' attention is drawn to that paragraph for the appropriate reason to combine references.

46. Claims 79 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 72 and 25 above, and further in view of Official notice.

The well known feature as identified in paragraph 32 is repeated, as is the rational for combining such with the above base systems.

47. Claims 80 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 72 and 25 above, and further in view of Fukuda.

The use of "alarm sounds" for their inherent ability of notification is known as taught by the Fukuda reference.

It would have been obvious to modify the base system as relied upon above with respect to claims 72 and 25 above, motivation is to provide an audible alarm as opposed to a readable alarm, especially since such an alternative indication of a defect is an equivalent capability of announcing information to a user (audible as opposed to written).

48. Claims 81 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 72 and 25 above, and further in view of Takamine et al.

The ability of calculating predicated upon address information is interpreted by the calculation disclosed in the Takamine et al reference – see col. 25 lines 63 to col. 26 line 14.

It would have been obvious to modify the base system as relied upon with respect to claims 72 and 25 above and further modify such with the above calculation capability taught by Takamine et al, motivation is to provide for alternative known error calculation capabilities and hence increase the compatibility of the primary system to other known and used disc formats.

49. Claims 82,83 and 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 72 and 34 above, and further in view of Su et al.

The examiner interprets the limitations of claims 82,83,35 and 36 to define the well known and used ATIP data format, which includes the start ability (claims 82,35) , minutes seconds and frames (claims 83,36) as further disclosed by Su et al.

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It would have been obvious to modify the base system as relied upon with respect to their respective base claims and include the additional start time, and format of atip, especially since the base reference relies upon atip format as well and hence use of existing abilities in ATIP formats for their inherent ability logically follows, i.e., present in the atip signal, use of such signals for the attributes provided then follow.

50. Claims 85 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 83 and 36 above, and further in view of Ogawa et al.

The ability to identify a manufacturer of the disc as being part of the atip information is further discussed by Ogawa et al.

It would have been obvious to modify the base system as relied upon with respect to their respective base claim and also include the disc manufacturing information and hence permit the overall system greater flexibility in using/decoding discs encoded by the Ogawa et al system, thereby permitting the use of more diverse formats.

51. Claims 85,86,38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 81 and 34 above, and further in view of SU et al.

The examiner interprets the limitations of claims 85,86, 38, 39 to define the well known and used ATIP data format which includes the start ability (claims 85, 38), minutes seconds and frames (claims 86, 39), as further disclosed by Su et al. These claims refer to the representation of the start of the "third area", as opposed to the previously claimed limitations found in claims 35 and 36, i.e., representation of the start of the "second area". The same analysis applies, i.e., start of second or third areas, lead in, and lead out. Proper interpretation of these claims is complicated due to the inability of the examiner to associate the phrase "third area" to the remainder of the specification. The examiner interprets such as the lead out area.

It would have been obvious to modify the base system as relied upon with respect to claims 81 and 34 and include the additional start time, and format of atip, especially since the base reference relies upon atip format as well.

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Conclusion

52. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takahashi is cited as also illustrative of atip formats.

Allowable Subject Matter

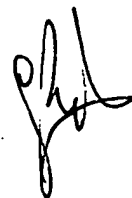
53. Claims 5-7,16,29-31,51-53,63-65, and 76-78 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims as well as correct for any claim objections, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
Art Unit 2653



AMP